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## NOTES OF CASES.

**BANKRUPTCY ACT—OMISSION OF CREDITOR FROM SCHEDULES.**—It was intended in the new Bankruptcy Act to remedy a defect in the previous Bankruptcy Act, by which a debt was discharged even though the name of the creditor was omitted from the schedules, provided such omission was not wilful or fraudulent, even though the creditor had no notice or knowledge of the proceeding. *Broadway Trust Co. v. Manheim*, Supreme Court of New York, Trial Term, Kings county, May, 1905, 14 Am. B. R., p. 122.

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**BANKRUPTCY—SET-OFF—CLAIM NOT DUE AT ADJUDICATION—ACTION BY TRUSTEE.**—In an action by trustee to recover a debt due the bankrupt estate, the defendant may plead as a set-off, the amount of a note against the bankrupt, even though it had not matured at the date of adjudication, but the defendant is not entitled to any affirmative judgment thereon. *Frank, as trustee etc. v. Mercantile National Bank*, Court of Appeals of the state of New York, June 13, 1905, 14 Am. B. R., p. 125.

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**BANKRUPTCY—JURISDICTION—ORDER FOR DELIVERY OF PROPERTY TO RECEIVER.**—The bankruptcy court has jurisdiction to order property of the bankrupt in the possession of a bailee or agent to be delivered to the receiver pending the appointment of a trustee. *Matter of the Muncie Pulp Company*, U. S. Circuit Court of Appeals, Second Circuit, June, 1905, 14 Am. B. R., p. 70.

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**C. & O. v. STOCK.**—The opinion of our Court of Appeals in the *Chesapeake & Ohio Ry. Co. v. Stock* (decided June 15, 11 Va. Law Reg. 263), wherein the "scintilla doctrine" received its death blow, purports to be the unanimous deliverance of the court, but we are informed by the president of the court that Judge Buchanan concurred in the result only and that he did not approve the opinion.

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**A RESULT NOT REASONABLY EXPECTED.**—A manufacturer of champagne cider, which is ordinarily not dangerous and which is a common article of commerce, and is manufactured by him by proper machinery, and not excessively charged, is held in *O'Neil v. James* (Mich.), 68 L. R. A. 342, not to be liable for injuries to an employee of his customer through the explosion of a bottle, unless he knows that for some reason such bottle is peculiarly liable to such accident.

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**INSURANCE—FAILURE TO KEEP BOOK—WAIVER.**—A forfeiture of insurance for failure to keep and produce books is held, in *American Cent. Ins. Co. v. Nunn* (Tex.), 68 L. R. A. 83, not to be waived by an examination of the insured under oath, with knowledge of loss, which puts him to some